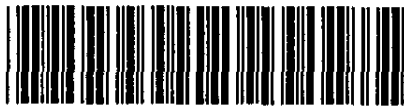


USDC SCAN INDEX SHEET



BALASUBRAMANI

MERRILL LYNCH

MR

3:95-CV-00628

26

APPJGM.

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 95-56547
CT/AG#: CV-95-00628-JNK

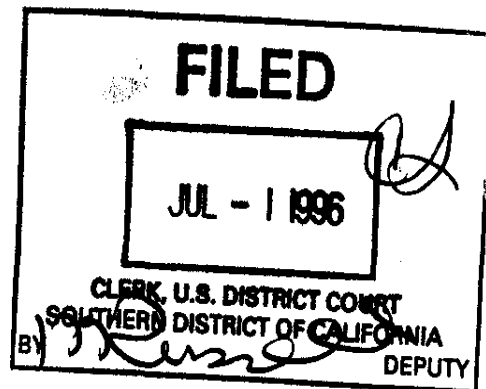
G BALASUBRAMANI

Plaintiff - Appellant

v.

MERRILL LYNCH, PIERCE, FENNER & SMITH, Inc.

Defendant - Appellee



APPEAL FROM the United States District Court for the
Southern District of California (San Diego) .

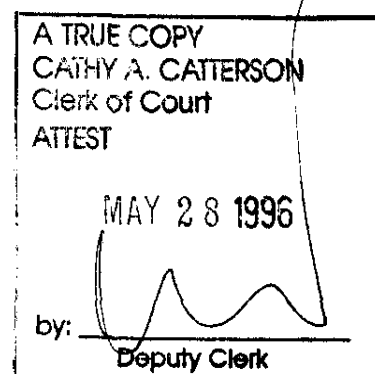
THIS CAUSE came on to be heard on the Transcript of the
Record from the United States District Court for the
Southern District of California (San Diego)
and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and
adjudged by this Court, that the judgment of the said
District Court in this cause be, and hereby is AFFIRMED.

Filed and entered May 3, 1996

ENTERED ON 7/2/96

26



5/24/96

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY - 3 1996

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

G. BALASUBRAMANI,)	No. 95-56547
)	
Plaintiff-Appellant,)	D.C. No. CV-95-00628-JNK
)	
v.)	
)	
MERRILL LYNCH, PIERCE, FENNER &)	MEMORANDUM*
SMITH, INC.,)	
)	
Defendant-Appellee.)	

Appeal from the United States District Court
for the Southern District of California
Judith N. Keep, Chief Judge, Presiding

Submitted April 30, 1996**

Before: BROWNING, REINHARDT and FERNANDEZ, Circuit Judges.

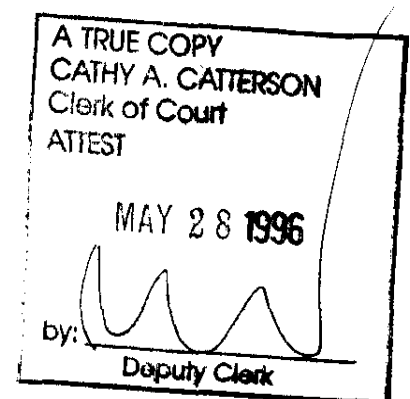
G. Balasubramani appeals pro se the district court's Fed. R. Civ. P. 12(b)(1) dismissal for lack of subject matter jurisdiction of his petition to vacate a National Association of Securities Dealer's arbitration award, pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 et seq. In the underlying action, Balasubramani alleged that Merrill Lynch brokers engaged in unauthorized trading and use of margin, resulting in his losses in the stock market crash of 1987. For the reasons stated in the district court's

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

order granting the motion to dismiss, we affirm. See Garrett v. Merrill Lynch Pierce, Fenner & Smith, Inc., 7 F.3d 882, 883 (9th Cir. 1993) (federal courts may hear claims under the Federal Arbitration Act only when there is an independent basis for federal jurisdiction).^{1/}

AFFIRMED.



^{1/} Balasubramani's motion to file a late reply brief is granted.

INTERNAL USE ONLY: Proceedings include all events.
95-56547 Balasubramani v. Merrill Lynch, et al

G BALASUBRAMANI
Plaintiff - Appellant

G Balasubramani
(909) 699-6644
[COR LD NTC prs]
40413 Yardley Court
Temecula, CA 92591

v.

MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC.
Defendant - Appellee

Robert Logan, Esq.
(310) 436-2000
[COR LD NTC ret]
KESSAL YOUNG AND LOGAN
400 Oceangate
Long Beach, CA 90802-4240

JUDGMENT

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 95-56547
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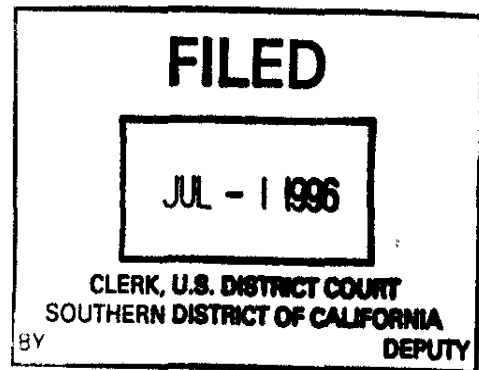
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